



April 22, 2015

Dr. Arthur Q. Tyler
Chancellor
City College of San Francisco
50 Phelan Avenue, Box E200
San Francisco, CA 94112-1821

Certified Mail
Return Receipt Requested
#: 70070710000106743896

RE: Final Program Review Determination
OPE ID Number: 00450200
PRCN: 201410928464

Dear Dr. Tyler:

The U.S. Department of Education's (Department's) San Francisco/Seattle School Participation Division issued a program review report on February 19, 2014 covering City College of San Francisco's (CCSF's) administration of programs authorized by Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs), for the 2011-2012 and 2012-2013 award years. CCSF's final response was received on July 30, 2014. A copy of the program review report (and related attachments) and CCSF's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by CCSF upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to: (1) close the review, and (2) notify CCSF of a possible adverse action. Due to the serious nature of one or more of the enclosed findings, this FPRD is being referred to the Department's Administrative Actions and Appeals Service Group (AAASG) for its consideration of possible adverse action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution. Such action may also include the revocation of the institution's program participation agreement (if provisional), or, if the institution has an application pending for renewal of its certification, denial of that application. If AAASG initiates any action, a separate notification will be provided which will include information on institutional appeal rights and procedures to file an appeal.

This FPRD contains one or more findings regarding CCSF's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f), and the Department's regulations in 34 C.F.R. §§ 668.41 and 668.46. Since a Clery Act finding does not result in a financial liability, such a finding may not be appealed.

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Protection of Personally Identifiable Information (PII):


PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the findings in the attached report do not contain any student PII. Instead, each finding references students only by a student number created by Federal Student Aid. The student numbers were assigned in Appendix A, Student Sample.

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24(e)(1), (e)(2), and (e)(3).

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Donna Wittman at (415) 486-5618 or by email addressed to donna.wittman@ed.gov.

Sincerely,



Martina Fernandez-Rosario
Division Director
San Francisco/Seattle School Participation Division

Enclosure:

Final Program Review Determination Report (and appendices)

cc: Elizabeth F. Coria, Ed.D., Dean, Financial Aid & Student Success Programs,
ecoria@ccsf.edu
Western Association of Schools and Colleges - Community/Jr. Colleges
Department of Defense, (osd.pentagon.ousd-p-r.mbx.vol-edu-compliance@mail.mil)
Department of Veterans Affairs (INCOMING.VBAVACO@va.gov)
Consumer Financial Protection Bureau (CFPB_ENF_Students@cfpb.gov)

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Personally Identifiable Information (PII) being submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth).

PII being submitted electronically or on media (e.g., CD-ROM, floppy disk, DVD) must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using WinZip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy files and media containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.

Prepared for
City College of San Francisco

OPE ID 00450200
PRCN 201410928464

Prepared by:
U.S. Department of Education
Federal Student Aid
San Francisco/Seattle School Participation Division

Final Program Review Determination

April 22, 2015

Table of Contents

A. Institutional Information	3
B. Scope of Review.....	4
C. Findings and Final Determinations	4
Resolved Findings.....	4
Resolved Finding(s) with Comments.....	5
Finding 1. Failure to Comply with Drug and Alcohol Abuse Prevention Program Requirements	5
Finding 2. Crime Awareness Requirements Not Met - Failure to Publish and Distribute an Annual Security Report (ASR).....	8
Appendix A: Student Sample.....	13
Appendix B: Program Review Report	14
Appendix C: CCSF Response to Program Review Report	29

A. Institutional Information

City College of San Francisco
50 Phelan Avenue
San Francisco, CA 94112

Type: Public

Highest Level of Offering: Associate's Degree

Accrediting Agency: Western Association of Schools and Colleges - Community/Jr. Colleges

Current Student Enrollment: 52,539 (Fall 2013 semester)

% of Students Receiving Title IV: 10.968% (Fall 2013 semester)

Title IV Participation (as reported by institution):

	<u>2012-2013</u>
Federal Pell Grant (Pell)	\$32,439,957
Federal Supplemental Education Opportunity Grant (FSEOG)	\$888,967
Federal Work Study (FWS)	\$791,754
William D. Ford Federal Direct Student Loan (FDL)	\$7,686,982
Federal Perkins Loan (FPL)	\$200,082
Total	\$42,207,824

Default Rate FFEL/DL:	2011 / 15.6%
	2010 / 17.3%
	2009 / 13.9%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at City College of San Francisco (CCSF) from December 2, 2013 to December 6, 2013. The review was conducted by Donna Wittman, Rick Allen, Danna Harper and Noel Surla.

The focus of the review was on fiscal responsibility and online education delivery. The review consisted of an examination of CCSF's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 30 files was identified for review from the 2011-2012 and 2012-2013 (year to date) award years. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. Appendix A lists the names and social security numbers of the students whose files were examined during the program review and will be provided to CCSF as an encrypted WinZip file using Advanced Encryption Standard 256-bit encryption. A program review report was issued on February 19, 2014.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning CCSF's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve CCSF of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

C. Findings and Final Determinations

Resolved Findings

Findings ##3, 4, 5, and 6

CCSF has taken the corrective actions necessary to resolve findings ##3, 4, 5, and 6 of the program review report. Therefore, these findings may be considered closed. See Appendix C containing CCSF's written response related to the resolved findings. Findings requiring further attention and continued corrective action by CCSF are discussed below.

Findings with Final Determinations

Finding 1. Failure to Comply with Drug and Alcohol Abuse Prevention Program Requirements

Citation Summary: *The Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Department's General Administrative Regulations require each institution of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse prevention program (DAAPP). The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.*

On an annual basis, each IHE must provide the following information in writing to all current students (enrolled for any type of academic credit except for continuing education units) and all current employees:

- *A written statement about its standards of conduct that prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;*
- *A written description of legal sanctions imposed under Federal, state, and local laws and ordinances for unlawful possession or distribution of illicit drugs and alcohol;*
- *A description of the health risks associated with the use of illicit drugs and alcohol abuse;*
- *A description of any drug or alcohol counseling, treatment, and rehabilitation/re-entry programs that are available to students and employees; and,*
- *A statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.*

The distribution plan must make provisions for providing the DAAPP disclosure annually to students who enroll at a date after the initial distribution and for employees who are hired at different points throughout the year.

In addition, each IHE must conduct a biennial review to determine the effectiveness of its DAAPP and to ensure consistent enforcement of applicable drug and alcohol-related statutes, ordinances, and institutional policies against students and employees found to be in violation. The biennial review materials must be maintained by the IHE and made available to the Department upon request. 34 C.F.R. §§86.3 and 86.100.

Noncompliance Summary: *CCSF violated multiple requirements of the DFSCA. Specifically, the institution failed to provide descriptions of the health risks associated with drug and alcohol*

abuse and the legal sanctions associated with drug and alcohol abuse violations within their Drug and Alcohol Awareness Prevention Program (DAAPP).

In addition, CCSF has persistently failed to conduct biennial reviews to: 1) assess the effectiveness of its DAAPP; 2) evaluate the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct related to drugs and alcohol; and, 3) identify areas requiring improvement or modification. Finally, as a consequence of the failure to conduct a biennial review, CCSF also failed to produce a report of biennial review findings. The Department's review indicates that CCSF has never fully complied with the DFSCA during its participation in the Title IV, FSA programs.

Failure to comply with the DFSCA's DAAPP requirements deprives students and employees of important information regarding the educational, disciplinary, health, and legal consequences of illegal drug use and alcohol abuse. Failure to comply with the biennial review requirements also deprives the institution of important information about the effectiveness of its own drug and alcohol programs. Such failures may contribute to increased drug and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime.

Required Action Summary: *CCSF was required to take all necessary corrective actions to resolve these violations. At a minimum, CCSF was required to perform the following:*

- *Conduct a biennial review to assess the effectiveness of its DAAPP and assess the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct. CCSF was required to describe the research methods and data analysis tools be used to determine the effectiveness of the program and identify the responsible official(s) and office(s) that conducted the biennial review. Finally, the biennial review report was required to be approved by the institution's chief executive and/or its board.*
- *Provide a copy of its new and revised policies and its DAAPP with its response to the program review report.*
- *Develop policies and procedures to ensure that all future biennial reviews are substantive in nature, are conducted in a timely manner, and are fully documented.*

CCSF's Response: In its official response, CCSF concurred with the finding and stated that remedial action was taken as directed in the program review report. College officials conceded that biennial reviews were not conducted prior to the Department's site visit and that the institution was not in compliance with the DFSCA. As part of its response, CCSF submitted new and revised policies and procedures and also provided a copy of its first biennial review report in support of its claims of remedial action.

Final Determination:

Finding 1 of the program review report cited CCSF for multiple violations of the DFSCA and Part 86 of the Department's General Administrative Regulations. First, the College did not

include required content regarding the detrimental health risks associated with the use of illegal drugs and alcohol abuse or information about the legal sanctions that may be imposed for violations of federal, state, and local drug and alcohol laws in its DAAPP. In addition, the review team found that CCSF persistently failed to conduct biennial reviews of the effectiveness of its DAAPP and of the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct. As a consequence of the failure to conduct the required reviews, CCSF was also unable to produce a report documenting the outcomes of each review. As a result of these violations, the College was required to review and enhance its DAAPP and was then required to develop and implement a detailed plan for conducting a biennial review. Then, in accordance with its new plan and federal requirements, CCSF was required to conduct a substantive review of the program's effectiveness as soon as initial program data was available. Once the review was completed, CCSF was also required to produce a detailed report of findings, recommendations for improvement, and supporting documentation and submit it to the Department. In its response, the College concurred with the finding, stated that remedial action was taken, and submitted documents in support of its claims.

The Department carefully examined CCSF's narrative response and supporting documentation. The review team's examination showed that the identified violations were, for the most part, satisfactorily addressed by the College's response and its enhanced DAAPP, inaugural biennial review report, and new internal policies and procedures. Based on the Department's review and CCSF's admission of noncompliance, each of the violations identified in the initial finding are sustained. The Department also determined that the College's remedial action plan meets minimum requirements. For these reasons, the Department has accepted the response and considers this finding to be closed for purposes of this program review. Nevertheless, the officials and directors of CCSF are put on notice that the College must take any additional actions that may be necessary to address the deficiencies and weaknesses identified by the Department as well as those that were detected during the preparation of the College's response to the Department's report and/or as may otherwise be needed to ensure that these violations do not recur.

In this regard, CCSF officials are advised that the College must continue to develop its DAAPP, ensure the active distribution of accurate and complete program materials to all members of the campus community, and conduct substantive biennial reviews on the required schedule. CCSF must also take care to ensure that each report includes substantive information about the conduct of the review including details about the research methods used and outcomes reached during each examination. Moreover, care must also be taken to ensure that all findings and recommendations are supported by valid evidence. Finally, the report must indicate that it was approved by the College's President and/or its board.

Although this finding is now closed, CCSF is reminded that the exceptions identified above constitute serious and persistent violations of the DFSCA that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. CCSF asserted that it has taken adequate remedial actions and that by doing so, is now in compliance with the DFSCA as required by its Program Participation Agreement (PPA). Nevertheless, CCSF

officials must understand that compliance with the DFSCA is essential to maintaining a safe and healthy learning environment. Data compiled by the Department shows that the use of illicit drugs and alcohol abuse is highly correlated to increased incidents of violent crime on campus. DFSCA violations deprive students and employees of important information regarding the educational, financial, health, and legal consequences of alcohol abuse and illicit drug use and may deprive institutions of important information about the effectiveness of any drug and alcohol programs that may have been in place. For these reasons, CCSF is advised that its current or future remedial measures cannot and do not diminish the seriousness of these violations nor do these actions eliminate the possibility that the Department will impose an adverse administrative action and/or additional remedial measures as a result.

In light of the serious consequences associated with compliance failures of this type, the Department strongly recommends that CCSF re-examine its drug and alcohol and general Title IV policies, procedures, and programs on at least an annual basis and revise them as needed to ensure that they continue to reflect current institutional policy and are in full compliance with the Federal regulations. Please be advised that the Department may request information on a periodic basis to test the effectiveness of the institution's new policies and procedures.

Finding 2. Crime Awareness Requirements Not Met - Failure to Publish and Distribute an Annual Security Report (ASR)

***Citation Summary:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in 34 C.F.R. §668.46(b). With the exception of certain drug and alcohol program information, cross referencing to other publications is not sufficient to meet the publication and distribution requirements. §485(f) of the HEA; 34 C.F.R. §668.46(b).*

The ASR must be published and actively distributed as a single document. Acceptable means of delivery include U.S. Mail, hand delivery, or campus mail distribution to the individual or posting on the institution's website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees which includes: a statement of the report's availability, the exact electronic address, a description of its contents, and advisement that a paper copy will be provided upon request as set forth by 34 C.F.R. §668.41(e)(1). The aforementioned regulations also require institutions to provide a notice containing this information to all prospective students and employees. This notice must also advise interested parties of their right to request a paper copy of the ASR and to have it furnished upon request as set forth by 34 C.F.R. § 668.41(e)(4).

An institution's ASR must include statistics for incidents of crimes reported during the three most recent calendar years. The covered categories include criminal homicide (murder and non-

negligent manslaughter), forcible and non-forcible sex offenses, robbery, aggravated assaults, burglary, motor vehicle theft, and arson. Statistics for certain hate crimes as well as arrest and disciplinary referral statistics for violations of certain laws pertaining to illegal drugs; illegal usage of controlled substances, liquor, and weapons also must be disclosed in the ASR. These crime statistics must be published for the following geographical categories: 1) on campus; 2) on-campus student residential facilities; 3) certain non-campus buildings and property; and, 4) certain adjacent and accessible public property. 34 C.F.R. §668.46(c)(1). When applicable, an institution must also compile, and publish separate crime statistic disclosures for each of its campuses as set forth by 34 C.F.R. §668.46(d).

Also, institutions with a police or campus security department must maintain a written, easily understood daily crime log listing all crimes that occurred in the above geographical areas as well as those that occur within the campus police or security department's patrol area that it either becomes aware of or are reported to it. This reporting requirement applies to all crimes, not merely those crimes listed in 34 C.F.R. §668.46(c)(1) and (3). The log must include the nature, date, time, general location, and disposition of each offense. The crime log must be kept up to date and be freely accessible to any requestor. 34 C.F.R. §668.46(f).

The ASR also must include several policy statements. These disclosures are intended to inform the campus community about the institution's security policies, procedures, and the availability of programs and resources as well as channels for victims of crime to seek recourse. In general, these policies include topics such as the law enforcement authority and practices of campus police and security forces, incident reporting procedures for students and employees, and policies that govern the preparation of the ASR itself. Institutions are also required to disclose alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention, and adjudication must also be disclosed. Institutions also must provide detailed policies of the issuance of timely warnings, emergency notifications, and evacuation procedures. As noted above, all required statistics and policies must be included in a single comprehensive document. 34 C.F.R. §668.46(b)(2).

Noncompliance Summary: *CCSF violated multiple provisions of the Clery Act by failing to publish an accurate and complete ASR and distributing it to current students and employees. Firstly, the institution omitted the following policy, procedural, and programmatic disclosures from its 2012 ASR or published statements that failed to provide sufficient detail in an area of mandatory disclosure. Omitted and/or inadequate disclosures were identified in the following areas:*

- A statement of procedures that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics;*
- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses;*

- *Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and the options for those changes, if those changes are requested by the victim and are reasonably available;*
- *Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding and both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceedings regarding rape, acquaintance rape, or other forcible or non-forcible sex offense.;*

Required Action Summary: *As a result of this violation, CCSF was required to develop and implement policies and procedures for preparing, publishing, and distributing an ASR that meets all federal regulations. CCSF was required to prepare and publish an accurate and complete ASR that includes all of the statistical disclosures and policy, procedure and programmatic information required in 34 C.F.R. §668.46(b).*

As a result of the above violations, CCSF was required to publish and distribute an ASR which includes:

- *A statement regarding policies intended to encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any institutional processes for reporting crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics;*
- *A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses;*
- *Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and the options for those changes, if those changes are requested by the victim and are reasonably available;*
- *Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding and both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceedings regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.*

CCSF's Response: In its official response, CCSF concurred with the finding and stated that remedial action was taken as directed in the program review report. College officials conceded that required policy disclosures were omitted from the 2012 ASR. As part of its response, CCSF submitted a revised 2012 ASR and new and revised policies and procedures intended to address the violations and weaknesses identified by the review team going forward.

Final Determination: Finding 2 of the program review report cited CCSF for its failure to include all required policies and procedures in its 2012 ASR. For example, the College omitted required policy statements regarding any opportunities to report criminal offenses on a confidential basis. Institutions are not required to have such reporting programs but are required to advise members of the campus community as to whether or not such systems are in place and how to access them if one is available. In addition, the CCSF failed to include three required policy statements regarding sexual assault awareness, prevention, and response. As a result of these violations, CCSF was required to review and revise its internal policies and procedures related to Clery Act compliance and to develop and implement new policies and procedures as needed to ensure that all future ASRs are accurate and complete and are disseminated in accordance with 34 C.F.R. §668.41(e). In its response, CCSF stated its concurrence with the finding and asserted that all necessary corrective action was taken to address the violations identified by the review team. CCSF also submitted documents in support of its claims.

The Department carefully examined CCSF's narrative response and supporting documentation. The review team's examination showed that the identified violations were, for the most part, satisfactorily addressed by the College's revised 2012 ASR and new and revised internal policies and procedures. Based on that review and CCSF's admission of noncompliance, each of the violations identified in the initial finding are sustained. The Department has also determined that CCSF's remedial action plan meets minimum requirements. For these reasons, the Department has accepted CCSF's response and considers this finding to be closed for program review purposes. Nevertheless, the officials and directors of CCSF are put on notice that they must take any additional actions that may be necessary to address the deficiencies and weaknesses identified by the Department as well as those that were detected during the preparation of the College's response to the Department's report and/or as may otherwise be needed to ensure that these violations do not recur.

Although the finding is now closed, CCSF is reminded that the exceptions identified above constitute serious violations of the Clery Act that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. CCSF asserted that it has taken adequate remedial actions and that by doing so, that it is now in compliance with the Clery Act as required by its PPA. Nevertheless, CCSF officials must understand that any failure to publish and distribute an accurate and complete ASR deprives students and employees of important campus safety information to which they are entitled. For these reasons, the College is advised that its remedial actions cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective actions as a result.

Because of the serious consequences of such violations, the Department strongly recommends that CCSF re-examine its campus safety and general Title IV policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements. To that end, CCSF officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2011) as a reference guide on Clery Act compliance. The Handbook is online at:

www2.ed.gov/admins/lead/safety/handbook.pdf. The Department also provides a number of other Clery Act training resources. College officials can access these materials at:

www2.ed.gov/admins/lead/safety/campus.html. The regulations governing the Clery Act can be found at 34 C.F.R. §§668.14, 668.41, 668.46, and 668.49.

CCSF management is also reminded that Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the Clery Act to require institutions to compile and disclose statistics for incidents of domestic violence, dating violence, sexual assault, and stalking. VAWA also requires institutions to include new policy, procedural, and programmatic disclosures regarding sexual assault prevention, response, and adjudication in their ASRs. All institutions are currently obligated to make a documented good-faith effort to comply with the statutory requirements of VAWA and were required to include all new required content in the 2014 ASR. The Department issued Final Rules on the VAWA amendments on October 20, 2014 and therefore, these regulations will go into effect on July 1, 2015, per the Department's Master Calendar. In light of the violations documented above, CCSF is advised to bring its sexual assault policies up to the standard required by VAWA now. CCSF officials may access the text of the Final Rule at:

<http://ifap.ed.gov/fregisters/attachments/FR102014FinalRuleViolenceAgainstWomenAct.pdf>.

Appendix B: Program Review Report



February 19, 2014

Dr. Arthur Tyler
Chancellor
City College of San Francisco
50 Phelan Avenue
San Francisco, CA 94112-1821

Certified Mail
Return Receipt Requested
#: 7003 1680 0005 1119 6929

RE: Program Review Report
OPE ID: 00450200
PRCN: 201410928464

Dear Dr. Tyler:

From December 2, 2013 through December 6, 2013, Donna Withman, Danna Harper, Rick Allen, and Noel Suria conducted a review of City College of San Francisco's (City College's) administration of the programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs). The findings of that review are presented in the enclosed report.

Findings of noncompliance are referenced to the applicable statutes and regulations and specify the action required to comply with the statute and regulations. Please review the report and respond to each finding, indicating the corrective actions taken by City College. The response should include a brief, written narrative for each finding that clearly states City College's position regarding the finding and the corrective action taken to resolve the finding. Separate from the written narrative, City College must provide supporting documentation as required in each finding.

Please note that pursuant to HEA section 498A(b), the Department is required to:

- (1) provide to the institution an adequate opportunity to review and respond to any preliminary program review report¹ and relevant materials related in the report before any final program review report is issued;
- (2) review and take into consideration an institution's response in any final program review report or audit determination, and include in the report or determination –
 - a. A written statement addressing the institution's response;
 - b. A written statement of the basis for such report or determination; and
 - c. A copy of the institution's response.

The Department considers City College's response to be the written narrative (to include e-mail communication). Any supporting documentation submitted with City College's written response will not be attached to the FPRD. However, it will be retained and available for inspection by City

¹ A "preliminary" program review report is the program review report. The Department's final program review report is the Final Program Review Determination (FPRD).

City College of San Francisco
OPE ID: 00450200
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Page 2 of 3

College upon request. Copies of the program review report, City College's response, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after the FPRD is issued.

City College's response should be sent directly to Donna Wittman of this office within 30 calendar days of receipt of this letter.

Protection of Personally Identifiable Information (PII):

PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the findings in the attached report do not contain any student PII. Instead, each finding references students only by a student number created by Federal Student Aid. The student numbers were assigned in Appendix A, Student Sample. The appendix was encrypted and sent separately to City College via e-mail. Please see the enclosure Protection of Personally Identifiable Information for instructions regarding submission to the Department of required data / documents containing PII.

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. § 668.24(b).

We would like to express our appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this report. If you have any questions concerning this report, please contact Donna Wittman at (415) 486-5618 or donna.wittman@ced.gov.

Sincerely,


Dylan J. Toney
Compliance Manager
San Francisco/Seattle School Participation Division

cc: Dr. Fabienne Naplos, Vice-Chancellor, via email to fnaplos@ccsf.edu
Mr. Jorge Bell, Acting Dean of Financial Aid, via email to jbell@ccsf.edu
Ms. Sophia Toney, via email to stoney@ccsf.edu

Enclosures:
Protection of Personally Identifiable Information
Program Review Report

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Personally Identifiable Information (PII) being submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth).

PII being submitted electronically or on media (e.g., CD-ROM, floppy disk, DVD) must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using WinZip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy files and media containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.

Prepared for
City College of San Francisco

Federal Student Aid
AN ACT OF THE U.S. DEPARTMENT OF EDUCATION

**PIQUID SPECIMEN of
IN AMERICAN MIND**

OPE ID 00450200
PRCN 201410928464

Prepared by
U.S. Department of Education
Federal Student Aid
San Francisco/Seattle School Participation Division

Program Review Report

February 27, 2014

Table of Contents

A. Institutional Information	2
B. Scope of Review	3
C. Findings.....	3
Finding 1. Failure to Comply with Drug and Alcohol Abuse Prevention Program Requirements.....	3
Finding 2. Crime Awareness Requirements Not Met: Failure to Distribute Annual Security Report as Required and Omitted/Inadequate Policy Statements	6
Finding 3. FWS Time Card Violations	8
Finding 4. Failure to Complete Verification.....	9
Finding 5. Failure to Timely Return Title IV Funds When a Student Withdraws	9
Finding 6. No Documentation of Exit Counseling	10
D. Appendix.....	10
Appendix A: Student List.....	11

City College of San Francisco
OPE ID 00450200
PRCN 201410928464
Page 2

Institutional Information

City College of San Francisco
50 Phelan Avenue
San Francisco, CA 94112-1821

Type: Public

Highest Level of Offering: Associate's Degree

Accrediting Agency: Western Association of Schools and Colleges - Community/Jr. Colleges

Current Student Enrollment: 52,539 (Fall 2013 semester)

% of Students Receiving Title IV: 10.968% (Fall 2013 semester)

Title IV Participation (as reported by institution):

	<u>2012-2013</u>	<u>2011-2012</u>
Federal Pell Grant (Pell)	\$32,439,957	\$37,316,522
Federal Supplemental Education Opportunity Grant (FSEOG)	\$ 888,967	\$ 839,412
Federal Work Study (FWS)	\$ 791,754	\$ 909,306
William D. Ford Federal Direct Student Loan (FDL)	\$7,686,982	\$ 9,915,397
Federal Perkins Loan (FPL)	\$200,082	\$ 43,577
Total	\$42,207,824	\$49,024,214

Default Rate FFEL/DL: 2011 / 15.6%
2010 / 17.3%
2009 / 13.9%

Default Rate Perkins: 6/30/12: 19.4%
6/30/11: 17.3%
6/30/10: 18.3%

City College of San Francisco
OPE ID 00450200
PRCN 201410928464
Page 3

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at City College of San Francisco (City College) from December 2, 2013 to December 6, 2013. The review was conducted by Donna Wittman, Rick Allen, Danna Harper and Noel Surla.

The focus of the review was on fiscal responsibility and online education delivery. The review consisted of an examination of City College's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 30 files was identified for review from the 2011-2012 and 2012-2013 award years. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. Appendix A identifies the students whose files were examined during the program review (students ##1-30). Appendix A contains personally identifiable information and will be provided to City College as an encrypted WinZip file using Advanced Encryption Standard 256-bit encryption.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning City College's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve City College of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

This report reflects initial findings. These findings are not final. The Department will issue its final findings in a subsequent Final Program Review Determination (FPRD) letter.

Findings

During the review, several areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by City College to bring operations of the financial aid programs into compliance with the statutes and regulations.

Finding 1. Failure to Comply with Drug and Alcohol Abuse Prevention Program Requirements

Citation: The Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Department's General Administrative Regulations require each institution of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse prevention program (DAAPP). The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

City College of San Francisco
OPE ID 00450200
PRCN 201410928464
Page 4

On an annual basis, each IHE must provide the following information in writing to all current students (enrolled for any type of academic credit except for continuing education units) and all current employees:

- A written statement about its standards of conduct that prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A written description of legal sanctions imposed under Federal, state, and local laws and ordinances for unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and alcohol abuse;
- A description of any drug or alcohol counseling, treatment, and rehabilitation/re-entry programs that are available to students and employees; and,
- A statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.

The distribution plan must make provisions for providing the DAAPP disclosure annually to students who enroll at a date after the initial distribution and for employees who are hired at different points throughout the year.

In addition, each IHE must conduct a biennial review to determine the effectiveness of its DAAPP and to ensure consistent enforcement of applicable drug and alcohol-related statutes, ordinances, and institutional policies against students and employees found to be in violation. The biennial review materials must be maintained by the IHE and made available to the Department upon request. 34 C.F.R. §§ 86.3 and 86.100

Noncompliance: City College violated multiple requirements of the DFSCA. Specifically, the institution failed to provide descriptions of the health risks associated with drug and alcohol abuse and the legal sanctions associated with drug and alcohol abuse violations within their Drug and Alcohol Awareness Prevention Program (DAAPP).

In addition, City College has persistently failed to conduct biennial reviews to: 1) assess the effectiveness of its DAAPP; 2) evaluate the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct related to drugs and alcohol; and, 3) identify areas requiring improvement or modification. Finally, as a consequence of the failure to conduct a biennial review, City College also failed to produce a report of biennial review findings. The Department's review indicates that City College has never fully complied with the DFSCA during its participation in the Title IV, FSA programs.

Failure to comply with the DFSCA's DAAPP requirements deprives students and employees of important information regarding the educational, disciplinary, health, and legal consequences of illegal drug use and alcohol abuse. Failure to comply with the biennial review requirements also deprives the institution of important information about the effectiveness of its own drug and

City College of San Francisco
OPE ID 00450200
PRCN 201410928464
Page 5

alcohol programs. Such failures may contribute to increased drug and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime.

Required Action: City College is required to take all necessary corrective actions to resolve these violations. At a minimum, these actions must include:

City College must review and revise its DAAPP as needed to ensure that it includes all of the required elements enumerated in the DFSCA and the Department's Part 86 regulations.

In addition, City College must develop a policy that will ensure that the DAAPP disclosure is actively distributed on an annual basis to every student who is enrolled for academic credit and to all employees regardless of when their period of employment begins or ends.

City College must submit a copy of its new and revised policies and a draft copy of its DAAPP with its response to this program review report. Once the materials are reviewed and approved by the Department, City College will be required to distribute the new DAAPP disclosure in the required manner and provide documentation evidencing the distribution as well as a certification statement attesting to the fact that the materials were distributed in accordance with the DFSCA. This certification statement must also affirm that the institution understands its DFSCA obligations and that it has taken all necessary corrective actions to ensure that these violations do not recur.

Furthermore, City College must conduct a biennial review to: 1) evaluate the effectiveness of its existing drug and alcohol programs and its draft DAAPP; 2) identify necessary improvements and modifications; and, 3) assess the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct. City College must also prepare a detailed report of its findings and must incorporate its findings into its new comprehensive DAAPP.

The biennial review report must describe the research methods and data analysis tools that were used in the assessment. In addition, the report must identify the responsible official(s) who conducted the review. Finally, the report must be approved by the institution's chief executive and/or its Board. The biennial review must be completed by April 1, 2014 and be submitted to the Department by April 15, 2014. City College must also develop policies and procedures to ensure that all future biennial reviews are substantive in nature, are conducted in a timely manner, and are fully documented. A copy of these policies and procedures must accompany the institution's biennial review report.

As noted above, the exceptions identified in this finding constitute serious violations of the DFSCA that by their nature cannot be cured. City College will be given an opportunity to develop and distribute a comprehensive DAAPP disclosure and to conduct a substantive biennial review and in so doing, finally begin to bring operations into compliance with the DFSCA as required by its PPA. However, City College is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective measures as a result.

City College of San Francisco
OPE ID 00450200
PRCN 201410928464
Page 6

Based on an evaluation of all available information including City College's response, the Department will determine if additional actions will be required and will advise the institution accordingly in the FPRD.

Finding 2. Crime Awareness Requirements Not Met: Failure to Distribute Annual Security Report as Required and Omitted/Inadequate Policy Statements

Citation: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees through appropriate publications and mailing, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in 34 C.F.R. § 668.46(b).

The ASR must be prepared and actively distributed as a single document. Acceptable means of distribution include U.S. Mail, campus mail, hand delivery, or by posting the ASR on the institution's website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and a link to its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. 34 C.F.R. § 668.41(e)(1)

These regulations also require institutions to provide a notice containing this information to all prospective students and employees. This notice must also inform interested parties about how to obtain a paper copy of the ASR. 34 C.F.R. § 668.41(e)(4)

An institution's ASR must include statistics for incidents of crimes reported during the three most recent calendar years. The covered categories include criminal homicide (murder and non-negligent manslaughter), forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Statistics for certain hate crimes as well as arrest and disciplinary referral statistics for violations of certain laws pertaining to illegal drugs; illegal usage of controlled substances, liquor, and weapons also must be disclosed in the ASR. These crime statistics must be published for the following geographical categories: 1) on campus; 2) on-campus student residential facilities (as a subset of category # 1); 3) certain non-campus buildings and property; and, 4) certain adjacent and accessible public property. 34 C.F.R. § 668.46(c) (1)

In addition, the ASR must include several policy statements. These disclosures are intended to inform the campus community about the institution's security policies, procedures, and the availability of programs and resources as well as channels for victims of crime to seek recourse. In general, these policies include topics such as the law enforcement authority and practices of campus police and security forces, incident reporting procedures for students and employees, and policies that govern the preparation of the report itself. Institutions are also required to disclose alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention, and adjudication must also be disclosed. Institutions also must provide detailed policies of the issuance of timely warnings and emergency notifications as well as its

City College of San Francisco
OPE ID 00450200
PRCN 201410928464
Page 7

emergency response and evacuation procedures. All required information referenced in 34 C.F.R. § 668.46(b) must be published in the ASR. With the exception of certain drug and alcohol program information, cross referencing to other publications is not sufficient to meet the publication and distribution requirements of the Act. 34 C.F.R. § 668.46(b)

Finally, each institution must also submit its crime statistics to the Department for inclusion in the Office of Postsecondary Education's "Campus Safety and Security Data Analysis Cutting Tool." 34 C.F.R. § 668.41(e)(5)

Noncompliance: City College violated multiple provisions of the Clery Act by failing to publish an accurate and complete ASR and distributing it to current students and employees. Firstly, the institution omitted the following policy, procedural, and programmatic disclosures from its 2012 ASR or published statements that failed to provide sufficient detail in an area of mandatory disclosure. Omitted and/or inadequate disclosures were identified in the following areas:

- A statement of procedures that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics;
- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses;
- Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and the options for those changes, if those changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding and both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceedings regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses;

Failure to publish an accurate and complete ASR and to actively distribute it to students and employees deprives interested persons of important campus security information to which they are entitled. Access to this information permits campus community members and their families to make well-informed decisions about where to work and study and empowers them to play a more active role in their own safety and security.

Required Action: As a result of this violation, City College must develop and implement substantive policies and procedures to ensure that all future ASRs are prepared, published, and distributed in accordance with the Clery Act and the Department's regulations. Using its new policies as a guide, City College must develop new content and take all other necessary corrective action to ensure that its ASR is accurate and materially-complete, meaning that the

City College of San Francisco
OPE ID 00450200
PRCN 201410928464
Page 8

new ASR contains all of the statistical, policy, procedure and programmatic disclosures required by 34 C.F.R. § 668.46(b). A copy of City College's new and revised policies and procedures and its draft ASR must accompany the institution's response to this program review report.

Once the new ASR is evaluated by the review team for accuracy and completeness, City College will be required to actively distribute it to all current students and employees in accordance with 34 C.F.R. § 668.41(e). Once the new ASR is distributed, City College will be required to provide documentation to the Department evidencing the distribution along with a certification statement attesting to the fact that the materials were distributed in accordance with the Clery Act. This certification must also affirm that the institution understands its Clery Act obligations and that it has taken all necessary corrective actions to ensure that these violations do not recur.

As noted above, the exceptions identified in this finding constitute serious violations of the Clery Act that by their nature cannot be cured. City College will be given an opportunity to address the violations identified above. In doing so, the institution will finally take the first steps toward compliance with the Clery Act and the terms and conditions of its PPA. However, City College is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective measures as a result.

Based on an evaluation of all available information including City College's response, the Department will determine if additional actions will be required to address this violation. The Department will advise the institution accordingly in the FPRD.

City College officials may wish to refer to the Department's "Handbook for Campus Safety and Security Reporting" (2011 Edition) during the preparation of its response. The Handbook is available online at: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>. The regulations governing the Clery Act can be found at 34 C.F.R. §§ 668.14, 668.41, 668.46, and 668.49.

Finding 3. FWS Time Card Violations

Citation: In administering the Federal Work Study program, an institution must establish and maintain program and fiscal records that include a certification by the student's supervisor, an official of the institution or off-campus agency, that each student has worked and earned the amount being paid. The certification must include or be supported by, for students paid on an hourly basis, a time record showing the hours each student worked in clock time sequence or the total hours worked each day. 34 C.F.R. §§ 675.19(b)(2)(i)

Noncompliance: City College uses ADP software to process time cards and payroll. Supervisors access the ADP software and "click" their "approval" of the time records claimed and entered by FWS employees. Since adoption of electronic signatures two years ago, the timecards of FWS students are simply electronically accepted by the supervisor, but there is no certification that each student has worked and earned the amount being paid. The FWS files of Students # 7, 9, 13, 20, 24, and 30 contain no other documents reflecting a required certification. The ADP time sheet records indicate that a supervisor "approved" the timecards, but there is no

City College of San Francisco
OPE ID 00450200
PRCN 201410928464
Page 9

document indicating that the supervisor certified that each student actually worked and earned the amount being paid.

Required Action: In order to resolve this finding, City College must establish a written policy and procedure whereby a supervisor certifies that each student has worked and earned the amount being paid. The supervisor must follow a procedure whereby the supervisor understands that his or her approval of the student time cards constitute certification, under the Higher Education Act, that the student worked and earned the amount being paid.

Finding 4. Failure to Complete Verification

Citation: When the Secretary selects a student's application for verification, an institution must require the student to verify the student's household size, number of household members enrolled on at least a half-time basis, and specific income items, including federal taxes paid. 34 C.F.R. § 668.56(a)

Noncompliance: Student #7's 2011-12 Institutional Student Information Record (ISIR) was selected for verification. The student's 2010 Federal income tax Return reflects taxes paid of \$0. The student's 2011-12 ISIR reported the student's federal income tax taxes paid as \$801. The student's 2011-12 ISIR03 reports a household size of four, with two in college, resulting in an Expected Family Contribution (EFC) of 430. The 2011-12 Verification Worksheet, however, reports a household size of five. There was no documentation in the file resolving these inconsistencies.

City College disbursed Pell funds of \$2,550 and FWS funds of \$1,500 to Student #7's account.

Required Action: City College must resolve the inconsistencies reported for taxes paid and the household size of Student #7. After resolving the inconsistencies, it must make the necessary changes to the ISIR to correct the inaccuracies on the current ISIR. It must process those changes through hand calculations since the Central Processing System (CPS) has closed the 2011-12 award year, make the necessary adjustments to the EFC and submit documentation to this office of the resolution, recalculated EFC and updated ledger of the student.

If not able to resolve the inconsistencies regarding taxes paid and household size, City College must return to the Department all Title IV funds disbursed to the student's account. Instructions for repayment of any liability for this finding will be set forth in the FPR D.

Finding 5. Failure to Timely Return Title IV Funds When a Student Withdraws

Citation: When a recipient of Title IV funds withdraws from an institution during a payment period or period of enrollment in which the recipient began attendance, an institution must determine the amount of Title IV funds that the student earned as of the student's withdrawal date and return any unearned Title IV funds to the Department. 34 C.F.R. § 668.22(a)(1) Such unearned funds must be returned as soon as possible, but no later than 45 days after the date of the institution's determination that the student withdrew. 34 C.F.R. § 668.22(j)

City College of San Francisco
OPE ID 00450200
PRCN 201410928464
Page 10

Noncompliance: Student #26 was withdrawn by an instructor on September 5, 2012, resulting in a requirement that City College return \$356 to the student's 2012-13 Pell account. City College did not return the funds until December 17, 2013.

Required Action: City College failed to meet the statutory limit for return of Title IV, HEA program funds. City College must review Student #26's file and determine the cause of the delay in return of Title IV funds. It must establish and implement policies and procedures to assure that Title IV funds will be returned timely for students who are withdrawn by instructors. Those policies and procedures must be submitted in response to this Program Review Report (PRR).

Finding 6. No Documentation of Exit Counseling

Citation: A school must ensure that exit counseling is conducted with each Direct Loan borrower either in person, by audiovisual presentation or by interactive electronic means. In each case, the school must ensure that this counseling is conducted shortly before the student borrower ceases at least half-time study at the school, and that an individual with expertise in the Title IV programs is reasonably available shortly after the counseling to answer the student borrower's questions. 34 C.F.R. § 682.604(g)

Noncompliance: Student #12's last semester of attendance was spring 2012. The file of Student #12 had no documentation indicating that the student was provided exit counseling.

Required Action: City College must review the regulations to ensure it is meeting all of the requirements concerning exit loan counseling. City College must update, if necessary, their policies and procedures to reflect the exit counseling rules and submit a copy of any amended policies and procedures in response to this PRR.

Appendix

Appendix A (Student Sample) contains personally identifiable information and will be emailed to City College as an encrypted WinZip file using Advanced Encryption Standard, 256-bit encryption. The password needed to open the encrypted WinZip file will be sent in a separate email.

Appendix C: CCSF Response to Program Review Report